

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GENARO LOPEZ, *et al.*,

Plaintiffs,

VS.

SOVEREIGN BANK, N.A., *et al.*,

Defendants.

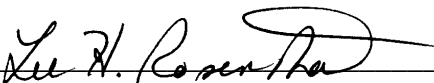
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CIVIL ACTION NO. H-13-1429

**ORDER CONVERTING DEFENDANTS' MOTION TO DISMISS
INTO MOTION FOR SUMMARY JUDGMENT**

In their Motion for Leave to Supplement and Brief in Opposition to Plaintiffs' Assertion of Statute of Limitations as an Affirmative Defense, (Docket Entry No. 31), the defendants ask that "the Plaintiffs' claim for declaratory judgment based upon limitations be dismissed." (*Id.*). Because the defendants rely on evidence outside the pleadings, however, (Docket Entry Nos. 31-1; 31-2; 32-1; 32-2; 32-3), the court converts their motion into one for summary judgment. *See* Fed. R. Civ. P. 12(d). The plaintiffs have fourteen days, or until November 25, to respond with "all the material that is pertinent to [a Rule 56] motion," *id.*

SIGNED on November 10, 2014, at Houston, Texas.



Lee H. Rosenthal
United States District Judge